

REMARKS

This is intended as a full and complete response to the Office Action dated February 19, 2010, having a shortened statutory period for response set to expire on May 19, 2010. Please reconsider the claims pending in the application for reasons discussed below.

Claims 10-12, 14-21 and 27-32 are pending in the application. Claims 10, 14-16, 20-21 and 27-32 remain pending following entry of this response. Claims 10, 20, 27 and 30-32 have been amended. Claims 10, 20 and 27 have been amended in part to clarify the term "result fields," in accordance with the explanation of the term discussed during the interview. Support for this amendment may be found in Paragraph [0049] of the current specification. Claims 11-13 and 17-19 have been cancelled. Applicants submit that the amendments do not introduce new matter.

Further, Applicants are not conceding in this application that those amended (or canceled) claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the claimed subject matter. Applicants respectfully reserve the right to pursue these (pre-amended or canceled claims) and other claims in one or more continuations and/or divisional patent applications.

Statement of Substance of Interview

On May 17, 2010, a telephonic interview was held between Gero G. McClellan, attorney of record, Casey Parks, and the Examiner. The parties discussed the cited references including *Faybishenko*. Claim 10 was discussed. The parties also discussed proposed amendments to claim 10. The proposed amendments are reflected in this response.

During the interview, Applicants argued that *Faybishenko* discloses monitoring traffic passing through an adapter, but fails to disclose collecting runtime metadata relating to one or more result fields in a query statement before the query statement is submitted for execution, as recited by amended claim 10. The Examiner agreed that

the proposed amendments would overcome the cited reference, but expressed a desire to revisit his search for the case.

Claim Objections

The Examiner objects to claim 20 because of informalities. Claim 20 has been amended. Applicants submit that amended claim 20 is free of informalities. Accordingly, Applicants respectfully request the objection be withdrawn.

Claim Rejections - 35 U.S.C. § 103

The Examiner rejects claims 10-12, 14-21, and 27-32 under 35 U.S.C. 103(a), arguing the claims are unpatentable over *Win et al.* (U.S. Patent 6,453,353) (hereinafter *Win*) and in view of *Faybishenko et al.* (U.S. PGPUB 2003/0158839) (hereinafter *Faybishenko*).

The Examiner takes the position that *Win* discloses all the elements of claim 10, with the exception of “collecting runtime metadata relating to one or more result fields of a query, wherein the metadata is collected after composition of the query.” However, the Examiner suggests that *Faybishenko* teaches this element, and that “it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching *Faybishenko*’s would have allowed *Win*’s to provide a method to allow for more control over content provided over the internet to providers.”

Applicants respectfully traverse this rejection.

The Examiner suggests that *Faybishenko* discloses “collecting runtime metadata relating to one or more result fields of a query” at Para. [0112], where *Faybishenko* discloses: “a QRP adapter may monitor or log queries, results, number of hits, searches, results, etc. or generally the information passing through the QRP adapter.” Thus, *Faybishenko* teaches monitoring or logging search traffic (including search queries, search results, the number of hits for a search query, etc.) passing through a particular adapter. Furthermore, *Faybishenko* teaches that “a user interface may be provided through which providers may view the results of searches and hits performed

by consumers – e.g. how many searches resulted in their entry being returned, how many users clicked through, etc.” In other words, the cited passage teaches monitoring of search traffic generally and displaying the results of the searches.

Claim 10 has been amended to recite, in part: “collecting runtime metadata relating to one or more result fields of a query, wherein the runtime metadata is collected after composition of the query, and wherein *the runtime metadata is collected before the query is submitted for execution.*” (Emphasis Added). That is, amended claim 1 specifically recites collecting runtime data before the query has been executed, or even submitted for execution. In contrast, *Faybishenko* discloses, generally, the monitoring, logging and displaying of search queries and search results. At minimum, the monitoring disclosed by *Faybishenko* requires that the query be submitted for execution in order for the query to pass by the QRP adapter. Clearly, collecting query data and query result data for submitted and executed queries, as disclosed by *Faybishenko*, is not the same as collecting runtime data after composition of the query but before the query is submitted for execution, as recited by amended claim 1. Thus, Applicants submit that the combination of *Win* in view of *Faybishenko* fails to disclose all of the elements of amended claim 1. As such, claim 10 is believed to be allowable, and allowance is respectfully requested.

Claims 20 and 27 contain substantially the same limitations as claim 10, and the Examiner rejects these claims for substantially the same reasons. Since claim 10 is believed to be allowable, claims 20, 27 and all dependent claims are allowable as well. Therefore, all claims are believed to be allowable, and allowance of the claims is respectfully requested.

Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

/Gero G. MCCLELLAN, Reg. #44227/

Gero G. McClellan
Registration No. 44,227
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Applicant(s)